

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

V.

CAUSE NO.: 4:13CR106-SA

SHANTEL MCCLUNG

DEFENDANT

CERTIFICATE OF APPEALABILITY

A notice of appeal having been filed in the above captioned case from either the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254 or the final order in a proceeding under 28 U.S.C. § 2255, the court, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), hereby finds that:

PART A

- ☐ the applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

- ☒ **a certificate of appealability should not issue.**

REASONS FOR DENIAL: For the reasons stated in its opinion, the court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S. Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). Specifically, the court finds, for the reasons set forth in its memorandum opinion and final judgment, that the instant Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 should be denied.

SO ORDERED, this the 12th day of April, 2018.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE